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August 2, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554

Re: Creation of a Low Power Radio Service;
MM Docket No. 99-25; RM-9208; RM-9242

Dear Ms. Salas:

Transmitted herewith, on behalf of Inner City Broadcasting Corporation of Berkeley, McKenzie River Broadcasting, Co., The New York Times Electronic Media Company, the Catholic University of Puerto Rico Service Association, and Good News, Inc., are an original and four copies of their Comments of Broadcasters to Preserve Existing Public Service in the above-referenced proceeding.

In the event that there are questions concerning this matter, please communicate with this office.

Very truly yours,



Charles R. Naftalin

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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AUG 2 1999

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of

)
) MM Docket No. 99-25

Creation of a Low
Power Radio Service

)
) RM-9208
) RM-9242
)

**COMMENTS OF BROADCASTERS TO
PRESERVE EXISTING PUBLIC SERVICE**

The undersigned full power radio broadcast licensees, by their attorneys, hereby submit their comments to urge the Commission to preserve the current and long-standing public service provided by their operations through existing "low power" FM translator and booster stations by protecting them from interference or outright displacement in the above-captioned proceeding.¹

The Commission's Notice of Proposed Rule Making, FCC 99-25 (released February 3, 1999)("NPRM") proposes to establish two new classes of FM service, a primary service of stations authorized to operate between 500 and 1000 watts ("LP1000") and a secondary service of stations authorized to operate between 50 and 100 watts ("LP100"). Among the intended purposes of these stations are to "...provide low-cost means of serving urban communities and neighborhoods, as well as populations living in smaller rural towns and communities...and promote additional diversity in radio voices and program services." (NPRM, para. 1)

The undersigned commentors are not an industry group or any other formal association. They are a group of full power radio licensees who have banded together to offer the Commission specific examples of the public interest benefits of existing "low power" stations,

¹These comments are filed pursuant to the extension of time granted in Order, DA No. 99-112 (May 20, 1999).

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meaning FM translators and boosters, in order to establish the absolute necessity that the Commission protect their operations from interference or displacement in the event the Commission establishes any new low power FM services, most particularly a primary LP1000 class of stations.

As detailed more specifically below, each of these broadcasters offers a meritorious service to the public and relies upon the operations of existing low power FM translators or boosters to deliver their programming. The NPRM gave virtually no attention to the existence of such FM translators and boosters, merely asking the question: “Should FM translator and booster service pre-dating the launch of an LP1000 service receive ‘grandfathered’ interference protection from LP1000 stations?” (NPRM, para 29)

Commentors stridently state: **YES**. All existing translators and boosters should be protected from interference, displacement, or any other form of erosion, from the implementation of any new LPFM service. Existing low power stations should be afforded the same degree of protection adopted for full power stations, *i.e.* from co-channel, first adjacent, second adjacent or third adjacent channel interference, as the case may be.

As the commentors demonstrate, many existing low power FM stations already promote the public interest by providing valuable services which listeners rely upon, including a commendable diversity of programming and voices. Several of the commentors here use low power FM stations to deliver urban, minority and foreign language programming to listeners, as well as news, issue responsive programming, noncommercial programming and other important matters. It would be irrational to endanger existing voices which serve the diversity interests of this proceeding in favor of speculative startup ventures with no track record of meritorious public service. Indeed, several commentors here are small business or minority broadcasters which

should be fostered by the Commission, not endangered.

Commentors speak for themselves only but may be considered a representative cross-section of the kinds of meritorious service in the radio industry currently dependant upon FM translator and booster stations. The commentors and their services are as follows.

Inner City Broadcasting Corporation of Berkeley. Inner City is a minority owned and controlled broadcaster, and is the licensee of a number of radio stations, including KBLX, Berkeley, California. Part of the KBLX service area is shadowed by the mountainous topography of the San Francisco area. It relies upon an FM booster to delivery its minority oriented, urban format programming.

McKenzie River Broadcasting Co. McKenzie River is a small business entity which controls three radio stations, all under local ownership in the area of Eugene, Oregon, including KKNU and KMGE, Eugene, Oregon. The mountains in the Eugene area shadow significant portions of the KKNU and KMGE service areas. McKenzie River has used commonly owned translators for many years to deliver its signal to listeners within its service area, including the provision of important local programming and news. In addition, independently owned translators in the region retransmit the stations' signals to provide service in nearby small communities which benefit from substantially local programming.

The New York Times Electronic Media Company. The Times is the licensee of WQXR-FM, New York, New York. A well known and respected broadcaster, The Times relies upon two different, independently owned translators to retransmit WQXR programming to listeners who desire it. WQXR-FM offers an acclaimed classical music format.

Catholic University of Puerto Rico Service Association. The University is the licensee of noncommercial educational WEUC-FM, Ponce, Puerto Rico. WEUC-FM provides valuable

Spanish language, noncommercial programming in Puerto Rico. Because of topography, the University for many years has relied upon a translator and a booster to deliver much needed educational programming to listeners.

Good Music, Inc. Good Music is the small non-profit licensee of KGMS(FM), Tucson, Arizona, which provides a Christian broadcasting service. Good News relies upon retransmission by independently owned translators to carry its service to rural, less-served parts of Arizona.

These licensees represent a few of many examples of meritorious program services which depend upon FM translators and boosters. Loss or diminution of these services clearly would undermine the public interest. The Commission's Chairman stated that the proposed low power service represented an opportunity for new voices, including those of churches, colleges and minority groups.² While the goals expressed by the Chairman are commendable, they should not be obtained at the expense of the existing churches, colleges, minority groups, and small businesses which have invested in FM translators and boosters, using them today to serve the public interest with important and diverse program services.

Therefore, all FM translators and boosters permitted or licensed at such time as the

²Statement of FCC Chairman William E. Kennard at Roundtable Discussion on Low Power FM, FCC Press Release (May 13, 1999).

Commission adopts any new low power radio services should be grandfathered in such a way that they receive complete protection from interference or displacement.

Respectfully submitted,

INNER CITY BROADCASTING
CORPORATION OF BERKELEY

MCKENZIE RIVER BROADCASTING CO.

THE NEW YORK TIMES ELECTRONIC
MEDIA COMPANY

CATHOLIC UNIVERSITY OF PUERTO RICO
SERVICE ASSOCIATION

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